

Court-Approved Wiretaps By Police Doubled in 1970

By FRED P. GRAHAM 5/3/71

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WASHINGTON, May 2 — A new report to Congress on police eavesdropping shows that the number of court-approved wiretaps used by Federal and state law enforcement agencies almost doubled in 1970 over the figure for 1969.

Last year, 597 court orders were granted throughout the United States authorizing the installation of electronic listening devices by state and Federal officers. In the previous year, the figure was 302.

The surge in wiretapping by law enforcement officers was marked by a sharp rise in surveillance by the Justice Department and the State of New Jersey.

The Justice Department, which obtained 33 orders to eavesdrop in 1969, got 183 last year. New Jersey, which has developed an aggressive agency in the office of Attorney General George F. Kugler Jr. to fight organized crime, got 132 court orders last year, compared with 39 the year before.

The wiretap report, which was sent to Congress last Friday by Roland F. Kirks, Administrator of the United States Courts, has not yet been made public. A copy of the report was obtained by The New York Times.

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It covers only electronic surveillance that is used in criminal cases with court approval. Not covered is wiretapping done by Federal agents without court approval in internal security investigations.

President Nixon said at a news conference yesterday that his Administration was doing less internal security eavesdropping than was done in the Kennedy Administration. At no time, he said, are more than 50 internal security wiretaps in operation under his Administration. He added that, in 1961, 1962 and 1963, the ceiling in effect was 100 devices.

Court-approved eavesdropping by Federal and state anti-crime investigators was authorized by Congress in the omnibus Crime Control Act of 1969. The law requires each agency to report its surveillance activities each year to Mr. Kirks, who compiles a national report and files it with Congress. The report filed Friday was the second such report covering nationwide police eavesdropping for an entire year.

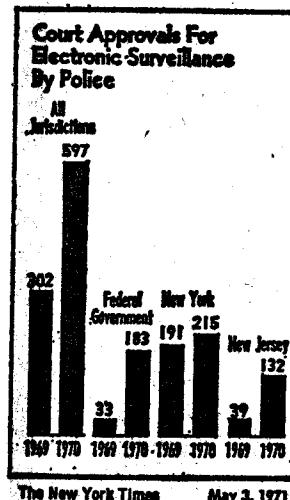
The report showed that New

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York, which pioneered court-approved police wiretapping four decades ago, still authorizes more of it than any other jurisdiction. There were 215 eavesdrop warrants granted last year in New York, compared with 191 in 1969.

The data indicated that policemen and prosecutors were becoming more skilled in using



electronic eavesdropping. A higher percentage of the interceptions were incriminating last year than in 1969 and more arrests resulted.

Last year, 1,874 arrests were said to have resulted from eavesdropping, compared with 625 the year before. The average device picked up 655 interceptions, of which 45 percent were said to be incriminating. In 1969, fewer interceptions were picked up on the average device and a lower percentage were incriminating.

Because of the numerous reviews that are required before a court order for eavesdropping will be granted, wiretapping tends to be used in investigations of criminal activity that operates out of permanent quarters. In the Justice Department, an agent's request for wiretap permission can move through 10 officials before it reaches Attorney General John N. Mitchell for his approval. By the time a judge approves it, two to three weeks have

usually elapsed.

Thus, 326 of the devices were placed in gambling establishments. Narcotics cases were involved in 127 wiretaps; larceny, 31; homicide, 20, and bribery and loan sharking, 16 each.

The report showed that the police preferred to use wiretaps of telephone lines rather than hidden microphones, called "bugs." Of the 597 devices authorized, 539 were wiretaps, 29 were bugs and 29 were devices that picked up room conversations as well as telephone talks.

Experts on electronic surveillance say that the heavy ratio of wiretaps shows a relatively reduced threat of invasions of privacy, as bugs can be monitored around the clock, in bedrooms and other private premises.

However, the report showed that some policemen were overstepping the law's intent, which was that surveillance should be directed at solving specific crimes and conducted for only brief periods.

One wiretap, for instance, was placed on a private home in upstate New York in an "intelligence" investigation. It was left in operation for 414 days.